

**EPA Comments on Substantive Changes to Proposed Rule WQ097—Water Quality Standards Triennial Revision (LAC 33:IX.1105, 1109, and 1113) (WQ097S)**

**September 21, 2020**

1. §1105: LDEQ added the word “will” to the definition of *Pollutant Minimization Program*. EPA supports this change.
2. §1109 A.2.a: LDEQ removed the phrase “on a waterbody-by-waterbody basis” from this provision as the lone requirement to provide for public notice and comment. While not required when identifying waters for antidegradation protection on a parameter-by-parameter basis, EPA supports LDEQ’s election to provide for public notice and comment under either approach.
3. §1109.C: LDEQ clarified that a use attainability analysis (UAA) shall be conducted to justify a water body exception classification if an accompanying downgrade of a 101(a)(2) use and application of less stringent criteria is being proposed. EPA supports this change. However, please note that if a 101(a)(2) use remains unchanged, but there is a revision of criteria being proposed, that still requires the submission of a criterion revision justification to EPA (sometimes called a use assessment) to support this revision. While similar to a UAA, it is not strictly called a UAA as defined in 40 CFR §131.10. No such documentation is required for the establishment of a waterbody exception if no uses or criteria are being established or amended.
4. §1109.C.3.a: LDEQ modified the first sentence of this provision to clarify those water conditions that constitute a naturally dystrophic water (NDW). EPA supports this change. However, we note that the Louisiana Register erroneously includes the word “are” in the phrase “Naturally dystrophic waters *are* [sic] include waters that receive large amounts of natural organic material...” {emphasis added}
5. §1109.C.3.d: LDEQ rephrased this provision to better differentiate between those conditions that must be met when a wastewater discharge to a NDW in a wetland is proposed from those conditions required of proposed wastewater discharges to NDWs in general, as described in §1109.C.3.c. EPA supports this change.
6. §1109.E.1: LDEQ removed a comma from this provision. EPA supports this change.
7. §1109.E.1.a.iii: LDEQ changed a reference §1109.E.1.d.i to §1109.E.1.a.i. EPA supports this change.
8. §1113, Table 1, Footnotes 6 and 7: EPA supports the addition of these footnotes to this table, the inclusion of the term PCB in Footnote 6, and the added CAS registry numbers in Footnotes 6 and 7.